

## REMARKS

The Office Action of October 24, 2008 has been received and carefully reviewed. It is submitted that, by this Response, all bases of rejection are traversed and overcome. Upon entry of this Response, claims 22-30 remain in the application. Reconsideration of the claims is respectfully requested.

Status of claims: Claims 22-30 stand rejected under 35 U.S.C. § 103(a).

More particularly, claims 22-30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kolls (U.S. Patent No. 6,615,186) in view of Muratani, et al. (U.S. Patent No. 6,119,109). The Examiner asserts that Applicant's arguments presented in the Amendment dated August 11, 2008 are unpersuasive. Accordingly, the Examiner concludes that the combination of Kolls and Muratani still renders obvious independent claim 22 and those claims depending therefrom.

In the instant Office Action, the Examiner concludes that Applicant's argument regarding Kolls (i.e., that Kolls fails to teach a response system at a remote location, where the response system provides at least one promotional service as a choice to a user in the mobile vehicle) was unpersuasive. The Examiner refers to Fig. 5, block 408 of Kolls, which provides an internet digital content server where content is selected based on many things including user preferences.

Applicant submits that the interactive digital content and advertisement content server routine depicted in Fig. 5 of Kolls does **not** teach that at least one promotional service is provided to the user **as a choice**. Kolls discloses that the interactive digital content and advertisement server can be an Internet based server that receives data communication from a COM device or an in-vehicle device. Then, ***based in part on known user preferences or profile and based in part on GPS data or geographic location data***, the Internet based digital content and advertisement server ***can select content*** from a database of content and serve the content to a specific COM device or a specific in-vehicle device. (See column 36, lines 4-21 of Kolls.) In other words, the ***server*** selects the content based on predetermined or known user preferences or profile. Kolls does **not** disclose or even suggest that the server presents the content to the user as a choice.

Further, independent claim 22 recites that the timing unit is configured to monitor a period of free use of at least one promotional service by the user. In the Amendment dated August 11, 2008, Applicant argued that Kolls fails to teach the foregoing recitation of claim 22. In response thereto, the Examiner turns to Muratani and states that Muratani discloses charging after a period of free use (citing column 18, lines 11-22).

Applicant recognizes that Muratani teaches a period of free use. However, Applicant points out that the reference *fails* to teach or even suggest that the period of free use is associated with a *promotional service*. To reiterate from Applicant's Amendment dated August 11, 2008, Muratani is directed to an information distribution system for distributing propriety information and a billing system to be used in conjunction with the information distribution system (see column 1, lines 5-8). The information distribution system is configured to at least 1) realize a variety of billing methods, and 2) realize an appropriate and efficient billing process that correspond to the contents of the information distributed (see column 3, lines 22-30). The contents of the information may be, e.g., pay content data such as multimedia information, news information, and book information (see column 9, line 66 through column 10, line 8). In some instances, a free charge is applied for the content in specific situations. For example, a video-on-demand system may have a pay structure such as \$5 per movie, however if only 10% or less of the movie, for example, is watched, then there is no charge for the movie (see column 18, lines 35-39). As such, the free charge is associated with the actual service (e.g., the movie in the example provided above); and *not* associated with a promotional service.

Additionally, Applicant herein reiterates all of his arguments presented in the Amendment dated August 11, 2008. To briefly summarize, Kolls *fails* to teach i) that the COM devices (identified by reference numeral 100 in the figures) and/or the content server provide at least one promotional service to a user of the vehicle, ii) that the COM devices and/or the content server provides promotional service(s) as a choice to the user, iii) a timing unit associated with a communications unit, where the timing unit is configured to monitor a period of free use of the promotional service(s) by the user of the vehicle, and iv) means for charging the user a fee for use, occurring after a period of free use expires.

For all the reasons stated above, it is submitted that the combination of Kolls and Muratani *fails* to render obvious independent claim 1. As such, it is further submitted that Applicant's invention as defined in independent claim 22, and in those claims depending ultimately therefrom, is not anticipated, taught or rendered obvious by Kolls and Muratani, either alone or in combination, and patentably defines over the art of record.

In summary, claims 22-30 remain in the application. It is submitted that, through this Amendment, Applicant's invention as set forth in these claims is now in a condition suitable for allowance.

Further and favorable consideration is requested. If the Examiner believes it would expedite prosecution of the above-identified application, the Examiner is cordially invited to contact Applicant's Attorney at the below-listed telephone number.

Respectfully submitted,

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